

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 89314

Alpine Gardens Development Corp.
7444 Holabird Avenue
Baltimore MD 21222

1009 Mace Avenue
400 and 402 Essex Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 27, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (b)(d): (b): a person shall keep their property free from accumulation of improperly stored solid waste; (d): all garbage shall be stored in approved rodent-resistant watertight containers with tight fitting lids on residential property.

On March 28, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector M. Stuart Kelly issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The following persons appeared for the Hearing and testified: Deborah Scarfield, Property manager for Alpine Gardens and M. Stuart Kelly, Baltimore County Code Enforcement Officer.

Testimony revealed that upon a neighbor complaint an inspection of the property was undertaken on 3/6/11. The Inspector noted the presence of two dumpsters that were open and filled to overflowing. A Correction Notice was issued. No change was noted upon a re-inspection which took place on 3/28/11. As a result, a citation was issued, mailed and posted. A further inspection on 4/11/11 and a pre-hearing inspection on 4/25/11 revealed no improvement. Respondent Property Manager testified as to the 600 apartments under their supervision and maintained she had not had previous trouble on this issue. She was reminded of the ongoing proactive duty of landlords to maintain their properties to the betterment of their tenants and community.

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Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that \$800.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$800.00 will be imposed if the property is not brought into compliance immediately.

IT IS FURTHER ORDERED that the remaining \$800.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4th day of May 2011

Signed: Original Signed 5/4/11
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf